IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE M.H.S. ANSARI

and
THE HON'BLE MR JUSTICE T.CH.SURYA RAO

WRIT PETITION NO : 24849 of 2004

Between:

1 Tulasi, D/o. Jashanmal,
D.No. 5-8-29/1, Fateh Sultan Lane, Hyderabad - 500 001.
2 Smt. Meghana, W/o. Balaram,
D.No. 5-8-29/1, Fateh Sultan Lane, Hyderabad - 500 001.

..... PETITIONERS

AND

1 The Muncipal Council, L.B. Nagar Municipality, L.B. Nagar, Ranga Reddy District.
2 The Commissioner, L.B. Nagar Municipality, L.B. Nagar, Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to declare the action of the Respondents in not passing any orders on the representation dated 6-12-2004 as arbitrary and illegal by issuing a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus by directing the respondents to consider the application and pass appropirate orders under section 91-A of the A.P. Municipalies Act, 1965 and to pass such other or further orders

Counsel for the Petitioner:MR.G.RAMA GOPAL

Counsel for the Respondent No.: MR.P.RADHAKRISHNA

The Court made the following :

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ORDER: (Per TCSR,J)

The only grievance of the petitioners, as can be seen from the relief prayed for in this writ petition, seems to be that his representation made under Section 91-A of the A.P. Municipalities Act to the first respondent/Municipal Council has not been considered by passing any orders thereon.

In the affidavit filed in support of the writ petition, *inter alia,* the petitioner seeks to assail the method and manner of assessment and then issuing the consequential demand notice demanding payment of property tax.

We have heard the learned counsel appearing for the petitioners and the learned standing counsel for the respondents/municipalities.

From a perusal of the record, it appears that the petitioners preferred a revision petition as against the demand notice issued demanding them to pay the property tax and that the revision petition has been pending adjudication. The learned standing counsel for the municipalities represents that revision petition ought to have been filed as against the assessment but not against the demand notice issued by the second respondent municipality.

Without expressing anything about the merits of the method and manner in which the assessment was made, the special notice issued subsequently followed up by the demand notice, since it is the only grievance of the petitioner that the first respondent/municipal council has not considered their application filed under Section 91-A of the A.P. Municipalities Act, we feel it appropriate to dispose of the writ petition by issuing necessary direction to the first respondent/municipal council that he shall consider the representation dated 06.12.2004 made by the petitioners under Section 91-A of the A.P. Municipalities Act by passing appropriate orders thereon, as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order.

The writ petition is, therefore, disposed of accordingly at the threshold. But, under the circumstances, no order as to costs.

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M.H.S.ANSARI, J.

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T.CH.SURYA RAO, J.

22ND FEBRUARY, 2005.

VGSR.

To

1) The Muncipal Council, L.B. Nagar Municipality, L.B. Nagar, Ranga Reddy District.

2) The Commissioner, L.B. Nagar Municipality, L.B. Nagar, Ranga Reddy District.

3) 2 CD copies.

4) 1 CC to Mr.G.Rama Gopal, Advocate (OPUC).

5) 1 CC to Mr.P.Radha Krishna, Advocate (OPUC).